

HOUSE BILL 564  
By Brooks (Shelby)

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, relative to motor vehicle safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 55-8-192.

(a) As used in this section, unless the context otherwise requires:

(1) "Mobile telephone" means a cellular, analog, wireless or digital telephone; and

(2) "Use a mobile telephone" means to utilize such a device in dialing, answering, talking, listening or otherwise communicating.

(b) While a motor vehicle is in motion on any public highway, street or roadway, the operator of such vehicle may not use a mobile telephone unless the operator maintains both hands on the vehicle's steering device.

(c) Subsection (b) does not apply to a person who is using a mobile telephone to contact 911, a law enforcement agency, an emergency response entity or other emergency assistance provider.

(d) Subsection (b) does not prohibit usage of a mobile telephone equipped with a hands-free device allowing the operator to maintain both hands on the vehicle's steering device while using the mobile telephone, provided, that the operator actually maintains both hands on the vehicle's steering device while using such mobile telephone.

(e) Subsection (b) does not apply to law enforcement officers, firefighters or other emergency response personnel when on duty and acting in their official capacity.

(f)

(1) If a motor vehicle is involved in an accident while its operator is using a mobile telephone in violation of this section, then, in any civil action arising from such accident, there is a rebuttable presumption that such mobile telephone usage constitutes operator negligence causing or contributing to such accident.

(2) Notwithstanding the provisions of § 55-10-301(a) or any other law to the contrary, violation of this section does not constitute a criminal offense.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.